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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 John Anthony Majalca,
10 Petitioner,

11 v.

12 Ryan Thornell, et al.,
13 Respondents.
14

No. CV-23-00398-TUC-JCH

ORDER

15 On June 07, 2024, the Court adopted Magistrate Judge Rateau's Report and
16 Recommendation and denied incarcerated pro se Petitioner's Petition. Doc. 26. Before the
17 Court is Petitioner's 700-page "Motion for Certificate of Appealability," Doc. 28, which
18 the Court sealed because it contains highly sensitive information. *See* Doc. 29.

19 Before Petitioner can appeal this Court's judgment, a certificate of appealability
20 must issue. *See* Fed. R. App. P. 22(b)(1) (the applicant cannot take an appeal unless a circuit
21 justice or a circuit or district judge issues a certificate of appealability under 28 U.S.C. §
22 2253(c)). Additionally, 28 U.S.C. § 2253(c)(2) provides that a certificate may issue only if
23 the applicant has made a substantial showing of the denial of a constitutional right. In the
24 certificate, the court must indicate which specific issues satisfy this showing. *See* 28 U.S.C.
25 § 2253(c)(3). A substantial showing is made when the resolution of an issue of appeal is
26 debatable among reasonable jurists, if courts could resolve the issues differently, or if the
27 issue deserves further proceedings. *See Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000).

28 Upon review of the record, and considering the standards for granting a certificate

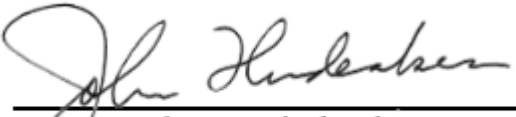
1 of appealability, the Court concludes that a certificate shall not issue as the resolution of
2 the petition is not debatable among reasonable jurists and does not deserve further
3 proceedings.

4 Accordingly,

5 **IT IS ORDERED DENYING** Petitioner's Motion (Doc. 28). A Certificate of
6 Appealability shall not issue.

7 Dated this 3rd day of July, 2024.

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John C. Hinderaker
United States District Judge